

REMARKS

[0003] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1, 3, and 7-19 are presently pending. Claims 1, 7, and 13 are amended. Claims 4-6 are cancelled herein. No new claims are added herein.

Formal Request for an Interview

[0004] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0005] Please contact me or my assistant to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for us, I welcome your call to either of us as well. Our contact information may be found on the last page of this response.

Claim Amendments

[0006] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 7, and 13 herein.

Substantive Matters

Claim Rejections under §103(a)

[0007] Claims 1, and 3-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0286764 to Mittal in view of DeMenthon "Spatio-Temporal Segmentation of Video by Hierarchical Mean Shift Analysis", July 2002. In light of the amendments presented herein, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

Obviousness Rejections

Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)

[0008] Applicant disagrees with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a prima facie case have not been met for the claims as presently amended.

Independent Claim 1

[0009] Independent claim 1 has been amended to incorporate subject matter originally claimed in dependent claims 4-6. Claims 1, as presently amended, now recites a method for stylizing video, comprising:

performing a spatio-temporal segmentation analysis on
the video to identify three dimensional volumes of contiguous
pixels having a similar color;

receiving **an interactive user input** identifying a group of the three dimensional volumes, wherein the three dimensional volumes of contiguous pixels comprise segments, **wherein the interactive user input comprises outlining a plurality of segments**; and

identifying the group of three dimensional volumes as a single semantic region.

[0010] The Examiner indicates (Action, p. 5) the following with regard to these claim elements:

As to claim 6, Mittal teaches the method of claim 5, wherein the user input comprises outlining a plurality of segments (apparatus for dividing the image into blocks, paragraph [0026]).

[0011] Paragraph [0026] of Mittal states in its entirety:

[0026] In accordance with another aspect of the invention, apparatus for dynamic scene modeling and change detection applicable to motion analysis, comprises: apparatus for inputting an image of the scene, including previously stored frames thereof; **apparatus for dividing the image into blocks**, the blocks being represented as respective block vectors; apparatus for forming a current state vector of values derived by forming the dot product of respective ones of the block vectors with the basis vectors; apparatus for deriving an auto-regressive model using state vectors observed for the previously stored frames; and apparatus for testing whether the current state vector can be projected onto the basis vectors and for determining if the current state vector cannot be projected onto the basis vectors, then indicating that a new object is present that is moving differently from its background.

[0012] Applicant respectfully traverses the Examiner's analysis of what Mittal teaches and suggests. Mittal, and especially the cited portion of Mittal, does not teach "receiving an interactive user input identifying a group of the three dimensional volumes, wherein the three dimensional volumes of contiguous pixels comprise segments, wherein the interactive user input comprises outlining a plurality of segments". Mittal is completely silent as to an interactive user input that comprises outlining a plurality of segments.

[0013] Instead, Mittal teaches an apparatus for dividing the image into blocks. (See paragraph [0026]). There is no mention of a user outlining a plurality of segments. In fact there is no mention, explicitly or implicitly, of a user being involved with the division of the image into blocks at all.

[0014] The only reference to a user input that the Examiner points to (in rejecting dependent claim 4) further bolsters the notion that a user is not involved with the division of the image. The user in Mittal establishes and adjusts thresholds of sensitivity within the detection mechanism. (See Mittal, paragraph [0188]). The use of thresholds would imply that the system performs the division based upon thresholds established by a user. This is clearly different than a user outlining a plurality of segments.

[0015] As described in the present application, the user interface displays a keyframe having numerous objects. (See Specification, paragraph [0026]). The user the outlines the desired objects by indicating several points around the perimeter of the desired object/section. *Id.* The outline can then be illustrated as a dark line enclosing the desired section. *Id.* The outlined is then used to

enclose a number of segments of the video to create the semantic regions. (*See* Specification, paragraph [0024]).

[0016] As shown above, Mittal does not disclose all of the claimed elements and features of Independent claim 1. DeMenthon is completely silent to the aforementioned element, and thus does not rectify the deficiencies of Mittal. Accordingly, Applicant asks the Examiner to withdraw the rejection of independent claim 1.

Dependent Claims 3 and 7-12

[0017] These claims ultimately depend upon independent claim 1. As discussed above, claim 1 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Independent Claim 13

[0018] Independent claim 13 has been amended to incorporate subject matter originally claimed in dependent claims 4-6. Claims 1, as presently amended, now recites a computer-readable medium having computer-executable instructions for stylizing video, the instructions comprising:

performing a spatio-temporal segmentation analysis on
the video to identify three dimensional volumes of contiguous
pixels having a similar color;

receiving an interactive user input identifying a group of the three dimensional volumes, wherein the three dimensional volumes of contiguous pixels comprise segments, wherein the interactive user input comprises outlining a plurality of segments; and

identifying the group of three dimensional volumes as a single semantic region

[0019] As discussed previously with regard to independent claim 1, the combination of cited art fails to teach or suggest an interactive user input that comprises outlining a plurality of segments to identify a group of the three dimensional volumes. As claim 13 has been amended to incorporate these elements, Applicant requests that the Examiner withdraw the rejections of independent claim 13 for at least the same reasons previously discussed.

Dependent Claims 14-19

[0020] These claims ultimately depend upon independent claim 1. As discussed above, claim 1 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons

[0021] Additionally, the Examiner has failed to specifically address the elements as claimed in dependent claims 14-19. In rejecting claims 14-19, the

Examiner indicates (Action, p. 6) the following with regard to these claim elements:

Claims 13-19 differ from claims 1-12 only in that claims 13-19 are computer claim whereas, claims 1-12 are methods claim. Thus, claims 13- 19 are analyzed as previously discussed with respect to claims 1-12 above.

[0022] Applicant respectfully traverses the Examiner's summarization. Claims 14-19 are clearly directed towards different subject matter. Just as an example of a different element not claimed in claims 1, 3 and 7-12, claim 14-19 include the element of a set of edge sheets that represent the surface of the single semantic region.

[0023] While the Office Action provides a blanket rejection that includes claims 14-19, the Office Action fails to address claims 14-19 with specificity. In other words, the Office Action does not cite any references (alone or in combination) that disclose all of the elements of these claims and in their particular claimed arrangement. Furthermore, the Office Action fails to provide any reason why one of ordinary skill in the art would combine the cited references.

[0024] Since the Examiner has provided little or no reasoning for its rejections, Applicant can do little more than gainsay. Applicant is forced to make assumptions and guesses as to the Examiner's specific reasoning. Therefore, Applicant submits that it has been denied its right to adequately and effectively respond to the Office's rejections.

[0025] In *In re Lee*, 61 USPQ2d 1430 (CA FC 2002), the Federal Circuit explained the following on page 1433:

The Administrative Procedure Act, which governs the proceedings of administrative agencies [such as the Patent and Trademark Office] and related judicial review, establishes a scheme of "reasoned decisionmaking." Not only must an agency's decreed result be within the scope of its lawful authority, but the process by which it reaches that result must be logical and rational. Allentown Mack Sales and Service, Inc. v. National Labor Relations Bd., 522 U.S. 359, 374 (1998) (citation omitted).

This standard requires that the agency not only have reached a sound decision, but have *articulated the reasons for that decision*. The reviewing court is thus enabled to perform meaningful review within the strictures of the APA, for the court will have a basis on which to determine "whether the decision was based on the relevant factors and whether there has been a clear error of judgment." *Citizens to Preserve Overton Park v. Volpe*, 401 U.S. 402, 416 (1971). [emphasis added]

[0026] Applicant submits that the Office has not articulated the reasons for its decision-making here. Furthermore, according to the reasons and facts given above and to 37 CFR § 1.113 and MPEP 706.07, Applicant respectfully submits that no clear issues has been developed between the applicant and the examiner for each pending claim so that such issues would be ready for appeal if the next action is made final. Accordingly, Applicant respectfully requests that the next action—if not a Notice of Allowance—be Non-Final.

Conclusion

[0027] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call/email me or my assistant at your convenience.

Respectfully Submitted,

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